

Reasons for Allowance

1. The following is an examiner's statement of reasons for allowance: The combination of prior art references (Cutie et al. (WO 01/82875), Lewis (WO 01/35940) and Vergez et al. (US 2006/0204578) does not suggest the application of a seal coat on a semipermeable membrane (that surrounds a controlled release metformin containing core) and then applying an immediate release pioglitazone coating on the seal coat. The Cutie and Vergez references disclose two different drugs enclosed in a controlled release coating. A further prior art search did not disclose a reference that teaches the specific structural constituents (the core, the primary seal coat and the immediate release coating and the components of each), the percent of the structural components, their particular arrangement in the tablet, and the dissolution profile associated with the tablet as required by instant claims.

Therefore, the claimed invention is novel and patentably distinct over the prior art of record.

Double Patenting

2. The provisional non-statutory obviousness-type double patenting rejection of claims 47-51 over claims 1, 20, 33 and 37-38 of copending Application No. 11/094,493 is withdrawn based on MPEP 804 (I) (B) (1) since the instant application is the earlier filed application.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Claims 47-51 are allowed.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aradhana Sasan whose telephone number is (571) 272-9022. The examiner can normally be reached Monday to Thursday from 6:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert A. Wax, can be reached at 571-272-0623. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Aradhana Sasan/
Examiner, Art Unit 1615

/Humera N. Sheikh/
Primary Examiner, Art Unit 1615